

APPENDIX 2

Excerpts from Deposition of Jeffrey Zaino

Page(s) 015-053

1 J. Zaino

2 A. Just the documents requested, the
3 control, the listing of members and their
4 control numbers and employee ID numbers for
5 both the election and for the run-off.

6 Q. Would you mind pulling that out so
7 that we can describe the document?

8 A. Sure.

9 Q. Could you tell me what you're looking
10 at?

11 A. Sure.

12 Q. What you just pulled out.

13 A. There are two lists here, the
14 reproductions of the listing of all the
15 members for APA for both the initial election
16 and then the second copy here is for the
17 run-off election. And it lists all of the
18 members and all of their information on each
19 member.

20 Q. Are those lists divided into columns?

21 A. Yes, they are.

22 Q. Can you give me the names of the
23 various columns on that page?

24 Do you understand my question?

25 A. Absolutely. Column one says chapter,

1 J. Zaino

2 column two ID number, column three sequential
3 number, column four the first name, column
4 five the last name, column six address one,
5 column seven address two, column eight the
6 city, column nine the state, and column ten
7 the zip code.

8 Q. Thank you.

9 Could you tell me what column one
10 chapter, what that means, what information is
11 in that column?

12 A. That is the domicile of the pilots.

13 Q. And column two, when you say ID
14 number, what does that mean?

15 A. Employee ID number.

16 Q. And column three, sequential number,
17 what does that mean?

18 A. That is the control number or
19 personal identification number assigned by the
20 AAA.

21 Q. Is that also the PIN number?

22 A. That is the PIN. It says sequential,
23 but it is a randomly assigned personal
24 identification number, yes.

25 Q. We will talk about this later, but

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had temporary workers, part-time staff

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assisting with answering telephone calls.

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Q. I know that Pitney Bowes did the

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actual mail out; is that correct?

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A. That's correct.

7

Q. Do I understand that your staff

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stuffed the envelopes, sealed them, and then

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those envelopes would be taken to Pitney Bowes

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who would then I guess put on postage and mail

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them?

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A. That is correct except for the

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sealing part. Our staff did not seal them.

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They were sealed by a machine at Pitney Bowes.

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But we did everything else. Everything else

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you mentioned, we did.

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Q. Okay. Thank you.

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Could you give me a brief history of

19

AAA's involvement in elections?

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A. Yes.

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We have been conducting elections for

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over 50 years for the nation's largest unions

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such as the Teamsters, Communication Workers

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of America, teacher organizations. We conduct

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every type of -- we use every type of election

1 J. Zaino

2 method, be it Internet, telephone, touch
3 screen, paper ballot.

4 That's, in general, what our service
5 provides.

6 Q. When did you start with Internet
7 voting?

8 A. Approximately 1999 going into 2000.

9 Q. Do you know what the impetus was to
10 move in that direction?

11 A. We saw some competitors that were
12 starting to do it, and some of our clients
13 that had members nationwide were interested in
14 AAA pursuing that, so some of our clients were
15 talking to us about it, some other pilot
16 groups, and also some of our competitors were
17 doing it. So therefore, we started to develop
18 an Internet and telephonic system.

19 Q. Did your telephonic system
20 implementation occur at the same time that you
21 were looking at remote Internet voting?

22 A. Yes, it did.

23 Q. Officer elections aren't the only
24 type of elections that you perform, or are
25 they?

1 J. Zaino

2 A. No.

3 Q. I'm sorry, that wasn't a --

4 A. We conduct other types of elections
5 besides officer elections, yes.

6 Q. What types?

7 A. Contract ratifications, affiliations,
8 mergers.

9 Q. What percentage of the your business
10 is the union officer elections?

11 A. I would say approximately -- I don't
12 have the exact figures, but approximately 85
13 percent.

14 Q. You work with national and local
15 unions?

16 A. Yes.

17 Q. What percentage of your election
18 business is with Get-A-Geek?

19 A. Approximately six to seven percent.

20 Q. How did that relationship come about?

21 A. Get-A-Geek was working with AAA
22 helping AAA with developing our web page in
23 1999 or 2000, and I was introduced to people
24 from Get-A-Geek when we were talking about
25 development of our system.

1 J. Zaino

2 Just so you understand where I'm
3 going with this, I would like to know what
4 Get-A-Geek does versus what you do in-house.

5 A. Sure.

6 Get-A-Geek currently loads the
7 database into our server for electronic
8 voting. They take the database from the AAA,
9 we assign the control numbers and provide them
10 with the database. They develop the screens
11 for voting, the actual screens that list the
12 candidates, they work with our web page and
13 develop that, our web page being on our
14 website, www.aaaelections.org, which is a
15 universal site for all electronic elections.

16 So they design that specifically for
17 each election, load the data, monitor the
18 system throughout the voting periods for any
19 election, activate the system and then stop
20 the system at the end and work closely with us
21 during the election process to facilitate the
22 clients or the members calling in to receive
23 duplicate identification or PINs or if they
24 have technical problems.

25 Q. What services is AAA doing in-house?

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A. Well, it's AAA's server. AAA deals directly with the client. AAA designs the voting instruction sheet, the physical copy of it that is sent to the clients or the members, designs the envelopes, contracts with the client, also monitors the ongoing process of the election, has phone banks or phones set up for incoming problems nine to five Monday through Friday, and as I mentioned earlier, we prepare the packets and mail them out.

Q. Could you talk just a little bit about the origins of this system used in the 2004 election, the origins of the remote electronic voting system?

A. Well, we developed the system in the end of 1999, early 2000 for a few clients we were working with at that time. And we worked Get-A-Geek exclusively on developing the Internet portion, and then we included the telephonic portion due to demands from some clients. But it was developed at that point and we had a couple of clients in 2000, and since then it has grown.

Q. What were the goals in designing this

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system?

A. To provide an Internet and telephonic voting system that is secure, that can provide voters 24/7 access to vote.

Q. How much of a role did your organization play in creating the ultimate system versus what Get-A-Geek did in creating that system?

Do you understand the question?

A. Absolutely.

My team with my supervisor and some staff from AAA who are not in the computer background were overseeing the aspects of here is what we need for the system based on AAA's experience in doing elections. Then the technical aspect of it, we brought in our information services people at AAA, AAA full time staff people, that worked closely with Get-A-Geek to develop the system in that time period.

So we all came together in a number of meetings, conference calls, and worked on developing a system that met our needs. And obviously, it takes a little time, it took

1 J. Zaino

2 about six months, I think, but it was up and
3 running by 2000.

4 Q. You made the statement that you sat
5 down and said here is what we need. Could you
6 tell me a little bit about what those needs
7 were?

8 A. Sure.

9 Q. What were you thinking in terms of
10 this system meeting union's needs?

11 A. Sure. Well, not just for unions, for
12 any client, we wanted a secure voting system.
13 We asked for encryption, secured sockets,
14 firewall set up with our I.S. Department,
15 various servers being used. Various things
16 put in place to guarantee the security of the
17 system and to guarantee if something happens,
18 if someone tries to go into our system, that
19 there would be some kind of bells and whistles
20 that would go off.

21 So we worked with Get-A-Geek and our
22 I.S. people to develop that type of system.

23 Q. Did you model your system on any
24 pre-existing system?

25 A. Yes, we modeled our system on the

1 J. Zaino

2 integrity of the process.

3 Could you tell me what was done in
4 the 2004 election to ensure the upholding of
5 the integrity of the process?

6 A. Sure.

7 Like I mentioned, we developed a
8 system that has encryption, where as soon as
9 the voter votes, the vote is encrypted through
10 cyberspace, let's say, and ends up at a AAA
11 server, and then it is immediately transferred
12 to another server through a firewall
13 protecting that vote or protecting the
14 identity of that vote.

15 In addition, when a person votes,
16 they are assigned a random number by the
17 system. In addition to that, for people
18 calling in to the AAA, we had a system set up
19 where if you call in and you misplaced your
20 voting instruction sheet or state that you
21 never received it, we took down a laundry list
22 of information from that person, from that
23 pilot, and then always verified that
24 information with a contact at APA.

25 So the system we felt had things and

1 J. Zaino

2 structures that were secure, and then our
3 procedures with respect to addressing random
4 phone calls that were coming in -- not random,
5 but phone calls that were coming in throughout
6 the process.

7 Q. Did you look -- I know you looked at
8 mail ballots. Did you look at any other
9 electronic system out there to use in modeling
10 your system?

11 A. I think we did, but I don't
12 specifically recall. I know we had a number
13 of discussions, but it was five or six years
14 ago, seven years ago, but I am sure we did. I
15 couldn't give the specifics of it.

16 Q. Do you recall whether you looked at
17 some of the trials and experiments that were
18 going on in other countries regarding
19 electronic voting?

20 A. We did not look at other countries,
21 no.

22 Q. Did you look at the California report
23 and their comments on electronic voting? I
24 think it was issued in 2000.

25 A. I am not familiar with that report,

1 J. Zaino

2 don't know what transpired afterwards.

3 Q. Okay. Do you know what the
4 requirements are for primary elections?

5 A. For public primary elections?

6 Q. Yes, sir.

7 A. No, I do not.

8 Q. I would like to talk a little bit
9 about the -- well, more about the system used
10 in this case, but I want to talk about the
11 structure, like the servers. Where were the
12 servers used in this election located?

13 A. The primary server was in New York at
14 the AAA. I believe there was another server
15 on the west coast, but I know that the primary
16 server was at AAA.

17 Q. What types of security was provided
18 for the servers?

19 A. Fire walls, encryption.

20 Q. Who had access to the machines?

21 A. Our information service -- the
22 physical access?

23 Q. Yes.

24 A. Information services people at AAA.

25 Q. Would those be full time AAA

1 J. Zaino

2 those servers were dedicated lines?

3 A. No, I do not.

4 Q. We talked a little earlier about AAA
5 providing the ballots. Is that the means that
6 was used to get voter information to the
7 voters?

8 A. Can you clarify that question? I'm
9 sorry.

10 Q. Yes. I can just ask, how did the
11 voters get the log-in information for the 2004
12 elections?

13 A. They were sent a voting instruction
14 sheet that at the bottom of it had the voter's
15 name, address and personal identification
16 number assigned by AAA. That was sent to them
17 via first class mail.

18 Q. And in that information, they would
19 have been told to log in using that personal
20 identification number and their employee
21 identification number?

22 A. That is correct. The voting
23 instruction sheet has two sets of
24 instructions, one for telephonic voting and
25 one for Internet voting. And the instructions

1 J. Zaino

2 tell the voter where to log into, then what
3 number to enter at that point, be it the
4 number assigned by AAA or their employee ID
5 number, and the number assigned by AAA appears
6 on the voting instruction sheet that they
7 receive, the other number does not, the
8 employee ID number.

9 Q. That information, the information
10 that's there on the ballot, the names, the
11 addresses, the personal identification number,
12 is that information stored on the computers of
13 the AAA?

14 A. No, it's not. Well, it's stored in
15 the electronic voting system, but not stored
16 in my personal computer at work. Is that the
17 question you are asking, is it stored in the
18 voting system?

19 Q. Yes.

20 A. Yes, it is stored --

21 Q. So it's stored on your server?

22 A. It's stored in the -- yes, the server
23 for the voting system www.aaaelections.org,
24 it's stored there for that election, yes.

25 Q. Am I understanding you to say that

1 J. Zaino

2 you could not access that information from
3 your personal computer?

4 A. I could not.

5 Q. Could anyone in your office access
6 that information?

7 A. No.

8 Q. Was that information in print form
9 anywhere in the offices of AAA?

10 A. Yes, it was.

11 Q. Where was that print form information
12 stored?

13 A. On the 10th floor of AAA's offices at
14 1633 Broadway in the Elections Department.

15 Q. And what we have marked as Deposition
16 Exhibit 1 and 2, is that the print form
17 information that was available to you during
18 the time of the 2004 elections?

19 A. It's a reproduction of it. It's not
20 the actual copy of the actual control booklet,
21 but it's a reproduction of the same
22 information.

23 Q. Was that information available to you
24 at all times during the 2004 election process?

25 A. Yes. The booklet, yes, it was

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available, yes.

Q. Was that stored in a locked location?

A. In the evening, but not during the day.

Q. Who would potentially have access to the location where the book was stored during the day, the control book?

A. AAA election staff, three of us in New York, plus part-time workers that would be working the phones, that would be two people designated, would have access to it. And that's it.

Q. Those part-time workers who were working the phones, would they provide the personal identification numbers to APA union persons who lost their numbers?

A. No.

Q. Does that question make sense?

A. Yes, it does.

No, their function was to take the phone call and to take down the information.

Q. Who ultimately provided the information to the voter?

A. For this election, Maria Gonzalez, or

1 J. Zaino

2 Linda Johnson, or myself, but Linda Johnson
3 was the primary person.

4 Q. Could you give us their titles?

5 A. Sure.

6 Q. Linda Johnson and Maria Gonzalez.

7 A. Yes. Linda Johnson is the
8 Administrative Aide for the Elections
9 Department. Maria Gonzalez is an Elections
10 Supervisor.

11 Q. Do you know how long Ms. Gonzalez has
12 been with AAA?

13 A. Yes, since 1996.

14 Q. How about Ms. Johnson?

15 A. 1999.

16 Q. What did you do if a voter had
17 difficulty logging into the system?

18 A. We would ask them if they are
19 entering the correct number into the system,
20 if they are logging on to the correct address,
21 calling the correct telephonic number for
22 telephone voting.

23 Q. Did you get any complaints about
24 their ability to log in?

25 A. Yes.

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information? Deposition Exhibit 1, is that
information sitting in a server at AAA?

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A. I really couldn't testify to how that
works, but I know these are big physical
machines, that's what they look like to me, so
I really couldn't give you accurate testimony
about that.

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But what I do know is that the data
has to be in the system so the system can
work, so the system can link up the vote and
then let the person vote. So it has to be in
the system, but I am not sure where it
physically exists or what part of the system
it's in.

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Q. Okay. Could you just discuss for a
minute the change vote feature? What does
that mean?

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A. It means a voter throughout the
voting period after he or she logged in with
the employee ID number and personal
identification number could log in at another
time before the election closes and change his
or her vote.

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Q. That feature was offered in the 2004

1 J. Zaino

2 APA election and run-off election?

3 A. Yes, it was.

4 Q. If that feature was turned off, how
5 would the system work?

6 A. The system would work in the sense
7 that after the voter votes, he or she could
8 not enter into it again. If there was an
9 attempt by the voter, the voter would be told
10 by a screen that you have previously voted on
11 such and such a date and time and you cannot
12 vote.

13 Q. When a person logs back in under this
14 feature, do they see the vote that was cast
15 before?

16 A. Yes.

17 Q. How did that appear to them, if you
18 know, on the screen?

19 A. I believe it is in bold. Now, we do
20 a number of elections so I am trying to recall
21 specifically how this election looked. We
22 always have the change vote feature in
23 operation for clients reviewing the demos and
24 test sites before we go live with any
25 election. But in this case, I believe it had

1 J. Zaino

2 the pilot that the person voted for
3 highlighted in black bold with a little
4 checkmark, I believe, in a box.

5 Q. Why was that feature offered in this
6 particular election? And we are talking about
7 the 2004 APA election.

8 A. We were doing it with their other
9 elections, APA's other elections, their
10 domicile elections, so it was consistent with
11 what we were doing with all their other
12 elections.

13 Q. If a person is allowed to go back in
14 and change their vote, is there necessarily a
15 link between the voter and the vote that they
16 cast originally?

17 A. Yes, there is a link.

18 Q. Is there any way to utilize the
19 change vote feature without keeping such a
20 link?

21 A. I can't see how you could do it.

22 Q. Did you have any security problems on
23 this system in the 2004 election that you are
24 aware of?

25 A. I am aware of none.

1 J. Zaino

2 Q. Do you know generally how many
3 requests the AAA had to replace PIN numbers?

4 A. I don't have the exact number, but --
5 oh, to replace PINs. Can you clarify the
6 question because there are different requests
7 that come in.

8 Q. Okay. What are the different
9 requests that might come in with respect to
10 PIN numbers that are issued?

11 A. I never received my voting
12 instruction sheet and the person does appear
13 on the roster, so therefore he or she was
14 already previously assigned a number. The
15 second one would be I never received my voting
16 instruction sheet, but you shouldn't have
17 because you weren't on the list so therefore
18 we have to check with the APA and assign a new
19 number to you because you never received the
20 number to begin with so you never were
21 assigned one. So those are the two types.

22 Q. Okay.

23 A. I'm sorry, the third --

24 Q. Go ahead.

25 A. The third would be my number didn't

1 J. Zaino

2 Q. And up until that point, 4:00 central
3 standard time for this 2004 APA election,
4 there is a link in the computer system between
5 the voter and the vote?

6 A. That is correct.

7 Q. How are the ineligible voters votes
8 removed from the system?

9 A. The AAA for this election was
10 provided a list of ineligible people, either a
11 day or a couple of days in advance, and that
12 database was sent by Debbie Thorne, and then I
13 would forward that database on to Jon Ohman
14 who would work with the system to extract
15 those names. And he would extract those names
16 using the system, and those names would appear
17 that were extracted in a separate file listing
18 the names, but not listing how the individual
19 voted. There is not a screen, there doesn't
20 exist a screen showing how John Doe voted. It
21 would just say John Doe did vote, but now he
22 is deemed ineligible and we extracted his vote
23 and extracted his name.

24 Q. Okay. But for the people who are
25 deemed ineligible, we are talking about

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such and such a time. However, it does show
3 how the person voted.

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So if we can go back to your
question, if I can get a clarification on
that, were you specifically referring to a
system for change vote so if I went into the
system after you voted or looked at how I
voted? Can you clarify the question because I
think I misspoke.

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Q. Yes, I can.

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In the 2004 national election and
run-off election -- let me clarify here, the
same system was used in both the national
election and run-off election; is that
correct?

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A. That is correct.

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Q. So in the system that was used in
2004, if Joe Blow APA member voted on Monday,
could he determine on Friday if he relooked at
that vote whether anyone else had in the
interim looked at his vote?

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A. No, he could not.

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Q. What about your criteria for
certifying the election?

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MR. HOFFMAN: I object to the form of

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that. Did you say public identification

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numbers?

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MS. PARKER: No. Well, I will reask

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the question.

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Q. Why use employee identification

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numbers as opposed to some other randomly

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generated number?

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A. Well, we use a two personal

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identification number system, and one needs to

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be committed to memory for our system or for

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procedures to have a secure system; and one is

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the randomly assigned number by the AAA, and

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for APA the number that they provided us was

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the employee ID number for the other number,

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the number that is committed to memory by the

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member, the voting member.

19

Q. Whose decision was it in terms of

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what two numbers to use? Did you request a

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certain type of number from the union?

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A. Well, there are two questions. The

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first question, whose decision was it --

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Q. Yes. Let's answer that first.

25

A. We ask the client to provide us with

1 J. Zaino

2 A. What information?

3 Q. Like the control book information for
4 the 2004 APA elections, is that currently
5 stored within the AAA's system, let's say,
6 within their server?

7 A. I am not sure.

8 Q. How did you access the information
9 that you brought with you today, the
10 Deposition Exhibit 1 and Deposition Exhibit 2?

11 A. My printer gave it to me.

12 Q. How did you pull that information up
13 to print it?

14 A. I didn't pull it up, my printer
15 produced it for me.

16 Q. How were the directions sent to the
17 printer to get that information? Is there an
18 Excel sheet somewhere? Did someone else pull
19 that up?

20 A. I did not print this, my printer
21 printed it from a database that she had in her
22 system.

23 Q. Who sent the instructions to the
24 printer to print that information?

25 A. I called my printer and asked them to

1 J. Zaino

2 reproduce the booklets for this deposition.

3 Q. We may be talking about different
4 things, so let me clarify. When you are
5 talking about "your printer," are you talking
6 about the service that you use to print
7 documents for AAA?

8 A. The printer that I use to print the
9 voting instruction sheets, yes.

10 Q. So to get the materials that you
11 brought, you made a phone call to someone and
12 said, "I need these documents"?

13 A. That is correct, I need a
14 reproduction of what we used for the 2004
15 elections, the same information that was on
16 our control booklets.

17 Q. Who is that someone that you called?

18 A. Ruth Randall.

19 Q. What company is Ruth with?

20 A. Winson Surnamer, W-I-N-S-O-N,
21 S-U-R-N-A-M-E-R.

22 Q. What service does that company
23 provide for you?

24 A. They print the voting instruction
25 sheets, the envelopes, they work with us to

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assign the randomly controlled -- the random
3 numbers.

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Q. At all times during the 2004
election, APA elections, would this company
have had access to the information that's in
Deposition Exhibit 1 and Exhibit 2?

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A. Yes.

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Q. So this company would have had access
to APA union members' names, addresses, their
personal identification number and their
employee identification number --

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A. That is correct.

14

Q. -- during the 20004 elections?

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A. Yes.

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Q. Does that mean that this company had
access during the 2004 elections to AAA's
election server?

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A. No, they did not have access to our
server.

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Q. How was the information transmitted
to this company?

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A. I sent an e-mail with the database,
containing the database, the names and all the
information that I received from APA to my

1 J. Zaino

2 Q. Yes, sir.

3 A. After the printer works with AAA in
4 assigning the randomly controlled numbers, we
5 review the database and then forward it to Jon
6 on the day of the election mail out and have
7 him load it into the system.

8 Q. While that information is sitting in
9 your electronic server, who would have access
10 to that information?

11 A. Jon Ohman.

12 Q. Would either Ms. Johnson or
13 Ms. Gonzalez have access to that information?

14 A. No.

15 Q. To your knowledge, did anyone with
16 the APA have access to that information?

17 A. No.

18 Q. Did Ms. Gonzalez or Ms. Johnson have
19 Internet access available to them on their
20 work computers?

21 A. Yes, they do, and they did.

22 Q. What about the temporary workers
23 brought in to assist with the 2004 elections?

24 A. No.

25 Q. Did they have access to computers at

1 J. Zaino

2 A. Yes.

3 Q. Is that the server that people would
4 have accessed when they called up your web
5 page?

6 A. Yes.

7 Q. We talked briefly before about the
8 replacement PIN process. If someone called in
9 and noted the need for a replacement PIN,
10 could you tell us what information was
11 required of them and what information was
12 given to them?

13 A. Sure.

14 When a person calls into the AAA's
15 800 telephone number, customer service line,
16 there is a laundry list of items that we ask
17 for. There is a form that we have for each
18 election. In this case, it was name, address,
19 employee ID number, the e-mail address,
20 telephone number, cell phone number, a laundry
21 list of a lot of items so that we can get off
22 the phone and make sure we could properly
23 identify that person to the APA and then
24 contact that person at a later time if we need
25 to provide that person with a new PIN. And

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2 then that step of the process would be
3 reviewed and the person would be provided a
4 PIN if he or she was an eligible member.

5 Q. Were PINs sent out via e-mail?

6 A. In some cases, yes.

7 Q. Was there security associated with
8 those e-mails?

9 A. What do you mean by security with the
10 e-mail? Can you clarify?

11 Q. You are probably figuring out that
12 computer systems is not my forte so I have to
13 be careful what I am asking for to not make it
14 less clear.

15 I am wondering, you have the
16 Internet, anything transmitted over the
17 Internet, unless it's protected or secured in
18 some way, can be accessed by other people on
19 the Internet. I am wondering if that
20 information was secured, was it encrypted, are
21 we using public/private key systems in
22 transmitting that?

23 MR. HOFFMAN: Let me object only
24 because this is the most multiple of your
25 multiple questions.

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J. Zaino

everything.

Q. But how would they get the information? How would you, or Linda, or Maria get the original PIN number to provide it to the voter who is calling saying I don't have it?

A. From the control booklet.

Q. You would have to physically go and get the control book?

A. That's correct, yes.

Q. That information could not be pulled up on the computer?

A. It could not be pulled up on the computer.

Q. How many copies of the control book were at your offices for the 2004 elections?

A. For any election, we always make one copy, and that's it, to avoid confusion and for security purposes.

Q. Where in your offices was that booklet kept?

A. In a cubicle area in the back part of our office space.

Q. So you didn't have to go into any one

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2

person's office, you could just access the

3

book by going into the cubicle?

4

A. Our office space has a door to it

5

excluding us from the rest of AAA's offices at

6

that location. Then once you access that

7

door, you have to go past my office, Maria's

8

office, then Linda who is in a cubicle right

9

there, then you can have access to the back

10

part of our space where we have a storage area

11

and where we handle duplicate requests.

12

Q. Where the control booklet was stored

13

in that back cubicle area, was it locked?

14

A. Between nine and five, it was not

15

locked because we were using it.

16

Q. So at five o'clock, was a key turned

17

to lock the file where the control book was?

18

A. The control booklet for this

19

election, there is a cabinet underneath the

20

area where they are answering phones and it is

21

put into there. Control booklets for pending

22

elections, for any pending election.

23

Q. The temporary workers that you

24

brought on for this election, for the 2004

25

election, where were they physically housed?

1

J. Zaino

2

Q. Is there any way that your system --

3

I'm sorry, I have to think a minute before I

4

put this question out.

5

Is there any way that an APA voter in

6

the 2004 election could determine that their

7

votes were not looked at by anyone within the

8

AAA, a mechanism in place?

9

A. I am not aware of a mechanism in

10

place, no.

11

Q. Do you know how many duplicate

12

requests for ballots were made?

13

A. I do not know the exact number.

14

Q. I know I have been jumping around a

15

lot, so let me express again at this point my

16

appreciation for your patience here. I would

17

like to go back and talk just for a minute

18

about the vote change features.

19

How were the vote changes logged on

20

your system, on the AAA election server?

21

A. They were logged in. If you went

22

into the system and changed your vote, it

23

would recognize that new vote as opposed to

24

the previous vote.

25

Q. What information was actually stored

1 J. Zaino

2 votes that is randomly assigned by the system.

3 But all of that data, yes, is inside the

4 server.

5 Q. All inside one server?

6 A. I believe it is one server.

7 Q. Is the randomly generated number, I
8 have also seen it called a unique identifying
9 number, is that a number saved with the
10 voter's name, and address, and PIN number, on
11 a table inside the election server?

12 A. I am not sure if all that
13 information, all the things that you've
14 listed, are connected with it. I'm not sure.

15 Q. When you talked about the information
16 that you sent down to the printer in
17 preparation for this deposition, how did you
18 access that information to send the e-mail to
19 the printer? Was that from your computer?

20 A. Yes, the APA sent me a database with
21 all this information, then I would forward
22 that on to the printer.

23 Q. The information transmitted to you by
24 the APA, did that include the personal
25 identification number assigned by AAA?

1 J. Zaino

2 A. No, it did not.

3 Q. When did those two things get put
4 together?

5 A. After we received the list from the
6 APA, that's when it's done.

7 Q. Who would have merged those two
8 pieces of information, the information sent to
9 you by APA and the PIN number?

10 A. Our printer working with us. We work
11 together and do the merging and assignment of
12 the personal identification numbers.

13 Q. And was it just a merge, i.e., here
14 is the list that we got from APA and here is
15 the program that we want you to use to
16 generate the personal identification numbers?

17 A. No, it was more like here is the list
18 and let's do random numbers, any sequential or
19 any random number assigned to these voters and
20 let's make sure it's random and that it's done
21 properly and we review it and then forward
22 that on to Jon for loading the system.

23 Q. Was that information also loaded on
24 to your system?

25 A. No, it was never loaded into my

1

J. Zaino

2

one, but I don't remember the specific time
3 frame.

4

5

Q. Could you give me a general idea of
the concerns raised by Mr. Hunnibell?

6

7

8

A. The overall integrity of the Internet
was his concern. Encryption was another
concern.

9

10

Q. Did he address the change vote
feature?

11

12

13

14

15

A. Not that I recall.

Q. Prior to this 2004 election, did you
have any concerns about the change vote
feature, about that feature's impact on the
secrecy of the ballot?

16

17

A. I wasn't concerned about it affecting
the secrecy of the ballot, no.

18

19

20

21

Q. Did you have any discussion with
Mr. Ohman prior to the 2004 election about the
implications of a change vote feature on
secrecy?

22

23

A. No, I did not have a conversation
with Jon before the 2004 election.

24

25

Q. Did you have a conversation with the
APA regarding either the change vote feature

1 J. Zaino

2 while I'm thinking on that, let me ask, were
3 you aware prior to the 2004 APA elections of a
4 February 2002 letter from the Department of
5 Labor to the APA discussing the change vote
6 feature? Were you aware of that letter?

7 A. Not the letter, I was aware of a
8 conversation.

9 Q. Were you aware prior to the 2004
10 elections that the Department of Labor had
11 concerns about the change vote feature?

12 MR. HOFFMAN: Object on the form to
13 that.

14 A. Could you restate the question?

15 Q. Were you aware that prior to the 2004
16 APA elections that the Department of Labor had
17 concerns about the change vote feature?

18 MR. HOFFMAN: Same objection.

19 A. I was aware that Richard Moyd had a
20 conversation with the Department of Labor
21 about Internet voting.

22 Q. Okay. Were you aware though of a
23 specific concern about the change vote
24 feature?

25 MR. HOFFMAN: Objection as asked and

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J. Zaino

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answered and the same old objection as to

3

form. I think the witness said --

4

MS. PARKER: I don't think the
question was answered.

5

6

MR. HOFFMAN: I think the witness
said what he was aware of.

7

8

Q. Were you unaware -- were you aware of
a specific concern about the change vote
feature?

9

10

MR. HOFFMAN: Now two objections,
asked and answered and form.

11

12

Q. Okay. Please answer the question.

13

14

A. I was aware that there was a concern,
an overall concern, raised by the Department
of Labor to APA about how the Internet system
works or how to vote electronically,
everything that that entails. I was aware of
that.

15

16

17

18

Q. Okay. In the everything that that
entails, what I want to know is if there was a
specific conversation, if you are aware of
specific concerns about the change vote
feature?

19

20

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22

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A. Yes. We did discuss the change vote

1

J. Zaino

2

feature, yes.

3

4

5

Q. On AAA's Outlook system, is your internal system set up to encrypt messages that are outgoing?

6

A. I don't know.

7

8

9

Q. Did you have an opportunity to look at the reports of investigations that I forwarded to your counsel yesterday afternoon?

10

A. Yes, I did.

11

12

13

14

15

16

Q. Is there anything that you would want to add to those reports? And I certainly understand that you haven't memorized them, but if there was anything that was a question mark to you that you would want to add or explain when you looked through that document.

17

18

19

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MR. HECHT: I realize that we are not party and I am not in a position to object, but that question is little unfair to put to this witness.

21

22

23

24

25

MS. PARKER: Well, actually, all I am doing is giving him an attempt if he would like to -- he had an opportunity to look at the notes that we have. He doesn't have to add anything. It was an offer, if he wants